

19.07.2023
Ct. No.7
S/L No.26
KS

W.P.A. 6126 of 2019
Amal Kumar Satpathi
-Vs.-
The State Bank of India & Ors.

Mr. Sankar Prasad Dalapati
Mr. Tamal Taru Panda
Mr. Safik Dewan

.....For the Petitioner

Mr. Sudeep Pal Choudhury
Mr. Diya Nandi

.....For the respondent/Bank

1. The petitioner has prayed for issuance of a writ of mandamus directing the respondent/State Bank of India to allow the petitioner to open a new account and to transfer the amount standing to the credit of the Savings Bank Account No.11880514502, IFSC No.SBIN0009706 of Kalagachia Branch, Purba Medinipur to the said new account. The aforesaid savings bank account stands in the joint name of the petitioner and the 5th respondent.
2. The grievance of the petitioner is that the respondent/Bank is not allowing the petitioner to operate the aforesaid savings bank account.

3. Mr. Dalapati, learned advocate appearing for the petitioner submits that the marital tie between the petitioner and the respondent no.5 was dissolved by a decree of divorce, which has attained finality.
4. The respondent no.5 is un-represented when the matter is taken up for hearing.
5. Mr. Pal Choudhury, learned advocate appearing for the respondent/Bank submits that the aforesaid savings bank account standing in the joint name of the petitioner and the respondent no.5, was put on "hold" and for which the petitioner cannot be allowed to withdraw any money from the aforesaid joint savings bank account. In support of such submission, he refers to the statement made in paragraph 6 of the affidavit in opposition filed by the respondent nos.1 to 4.
6. Mr. Pal Choudhury, learned advocate on behalf of the respondent/Bank further submits that since the aforesaid savings bank account stands in the joint names of the petitioner and the respondent no.5, the said joint account cannot be closed in the absence of any instruction from the respondent no.5.
7. Heard the learned advocates for the parties and perused the materials placed on record.

8. It appears from paragraph 6 of the said affidavit that the reasons for putting the aforesaid joint savings bank account on hold is not available in the records.
9. Mr. Pal Choudhury, learned advocate also could not give any satisfactory explanation at the time of hearing as to why the said account was put on "hold". In the absence of any materials to support the instructions to put on "hold" the operation of the aforesaid joint savings bank account, the bank authorities cannot impose a restriction upon the petitioner from withdrawing any amount from the aforesaid joint saving bank account and/or from transferring the amount to any other account. It is not in dispute that the mode of operation of the said joint savings bank account is "either or survivor". Therefore, either of the joint account holders can operate the said savings bank account and the bank cannot raise any objection to the operation of the said savings bank account by the petitioner.
10. Mr. Pal Choudhury, learned advocate submits that the bank has no objection for opening of the new savings bank account in the sole name of the petitioner.
11. Therefore, it would be open to the petitioner to approach the appropriate branch of the State Bank of

India for opening a new savings bank account either in his individual name or in the joint name of himself alongwith any other person according to the choice of the petitioner and if such an approach is made, the bank shall proceed in accordance with law.

12. Since, there is no material to support the instruction to put on “hold” the operation from the joint savings bank account standing in the joint names of the petitioner and the respondent no.5, this Court directs the respondent no.4 to allow the petitioner to operate the aforesaid savings bank account and also allow the petitioner to transfer the amount lying in the said savings bank account either to the newly opened savings bank account or to any other account standing in the name of the petitioner.

13. With the above observations and directions, the writ petition stands disposed of.

14. There will be no order as to costs.

15. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)